

Statement of Critical Issues

Proposition 65 Food Warnings

1. We need to recognize that foods are different from other products:

a. Most of us balance the benefits and relative risks of a food or food groups in making decisions about what we ingest. Ingestion of fish, eggs, starches, meats, and dairy products are all subject to risk/benefit determinations regarding nutrient value, health risks (e.g. obesity, allergies, carcinogenic and reproductive risk) and enjoyment.

b. Foods (even processed foods) are highly variable in terms of their chemical composition, and minor chemical contents of the food that define important consumer attributes (like flavor, odor, color) have the potential to trigger Prop 65 warnings.

c. Some Prop.65 chemicals are present naturally or as the result of cooking, e.g. acrylamide. Others, like vitamin A, may have benefits at one level and risks at another.

d. Relative risk information that conveys information about chemical levels (whether naturally occurring, resulting from cooking, or added) for different foods consumed at the same time or as part of a single person's diet is necessary because avoidance of a specific food product will not necessarily avoid the chemical, e.g. different levels of acrylamide in many different foods, differing levels of mercury in various fish.

2. Warnings must be accurate and in context.

A sound warning delivery method and warning content will allow consumers to conduct "toxics triage" in determining whether a food or combination of foods is what they want to consume. A single warning or delivery method will not fit all foods and still be effective. For example, if chemicals occur at far higher concentrations naturally than as added ingredients, care must be taken not to mislead consumers. Warnings that "overwarn," such as "birth defects and other reproductive harm" when no birth defects can be caused, result in consumer discounting and inability to use the information to make decisions.

3. More information is better than less:

A Prop.65 warning system can be more nuanced if it uses more modern technology, such as websites keyed to products or groups of chemicals, to convey more sophisticated information. There are issues with both in store and out of store systems that must be resolved, but we should agree that websites and links can be and are the consumer's friend.

4. Flexibility is key:

OEHHA should have a rapid process for approving delivery methods and content for specific chemicals or products. For example, information to specialist physician's about special issues (e.g. connected with pregnancy), along with other public campaigns, may be more effective because it is targeted, so long as saturation is sufficient.

